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the present day that he should be brief and to the point. A work, the index of which alone contains over 260 pages, is apt to discourage the seeker for legal information and send him to a writer who may have less exhaustiveness, but who has a great deal more brevity. The most that can be said of the work is that it has fully come up to the claims of the author, and will, no doubt, prove of value to many in the profession.

The modern tendency towards paternal legislation and two recent decisions enforcing a form of such legislation (*People v. Sheldon*, 139 N. Y. 251; *United States v. The Trans-Missouri Freight Association*, 166 U. S. 290), are the objects of severe stricture in a book entitled *STATE CONTROL OF TRADE AND COMMERCE*. By ALBERT STICKNEY, Esq., of the New York Bar. New York: Baker, Voorhis & Company.

The object of the book, as the author indicates in his preface, is to direct attention to the two decisions referred to as seeming to conflict with a fundamental principle of the law of property, viz., the right of free user of private property, including the right to make contracts with reference thereto, and as failing to recognize the distinction as between private property and private employment on the one side, and public property and public employment on the other.

Three-fourths of the book is devoted to a history and detailed statement of the various Acts of Parliament in England and of the different legislatures in the United States, as affecting the use of private property and employment and public property and employment. The reference to the English Statutes, and their failure to practically accomplish anything, is used as a warning to the modern legislator, who desires to accomplish everything by legislation, even though such legislation be in opposition to the laws of economics. This detailed statement of the provisions of these statutes renders the book of value to a student of the history of such legislation.

In the Sheldon case certain coal dealers of the city of Lockport had entered into an agreement to sell coal at a price determined by five-sixths of the members of an Exchange. Such an arrangement, followed by a rise in the price of coal, constituted, in the opinion of the Court of Appeals of New York, "an act injurious to trade or commerce," and, therefore, in violation of the Statute prohibiting such acts.

The author objects to the result achieved in this case as declaring an act a crime, which act violated no right of an individual, in the absence of a statute fixing prices. How about the right of an individual to the benefits of free and unrestricted competition? Can it not be argued that such a right exists? and, as a matter of fact, the books are full of the judicial recognition of such a right. The criticism upon the decision of the majority of the court in the

Trans-Missouri case is, that in effect it declares as a crime a mere contract to fix rates for the user of the property of the parties contracting, and does not violate any right of any member of the community.

It is to be regretted that the author did not discuss at length the question as to how far such statutes as the New York one and the Sherman Anti-Trust Act, as applied in these two cases, are in violation of the fourteenth or fifth amendments to the Constitution. Neither does he seem to have picked out the weakest point in the armor of the Trans-Missouri case. However valuable the book may be as one of reference to the statute law which has existed on this subject, it is doubtful whether the arguments contained therein would prevail sufficiently to win over one of the majority of the court, upon a reargument of the cases criticised.

G. S. P.